

### **Remarks**

This Amendment After Final is in response to the Final Office Action dated **March 31, 2005**. Claims 1-29 are pending in the application. In the Office Action, the drawings were objected to under 37 CFR § 1.83(a). Claims 11, 22, 25 and 27 were rejected under 35 USC § 112. Claims 1, 13-15 and 24-27 were rejected under 35 USC § 102(b). Claims 1-6, 13-17 and 24-29 were rejected under 35 USC § 102(e). Claims 7-10, 12, 18-21 and 23 were rejected under 35 U.S.C. 103(a).

By this Amendment, claims 1, 3, 11, 15, 22, 24, 25 and 27 are amended. Claim 15 is amended to correct a typographical error. Claims 11, 22, 25 and 27 are amended to obviate rejections under 35 USC § 112. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

### **Drawings**

The drawings were objected to under 37 CFR § 1.83(a) because they fail to clearly show the details of the splines, reciprocating splines, and gaps as described in the specification. Applicant submits formal drawings herewith. Withdrawal of the objections is respectfully requested.

### **Claim Rejections - 35 USC § 112**

Claims 11, 22, 25 and 27 were rejected under 35 USC § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 11 and 22 previously recited a spline contacting a trough and a reciprocating spline contacting a peak. These claims were rejected as contradicting claim 1, which recites a gap between a spline and an adjacent serpentine band.

Claims 11 and 22 have been amended. Claim 11 is now independent and recites an unexpanded configuration and an expanded configuration. Claim 11 now specifies a gap in the unexpanded configuration and contact between the spline and the adjacent serpentine band in the expanded configuration. Claim 22 depends from claim 11. Applicants believe that these amendments obviate the rejection.

Claims 25 and 27 were rejected as lacking antecedent basis for the limitation “the segmented spine.” These claims have been amended to recite “a segmented spine.”

Accordingly, withdrawal of the rejections under 35 USC § 112 is requested.

### **Claim Rejections - 35 USC § 102**

Claims 1, 13-15 and 24-27 were rejected citing 35 USC § 102(b) over Anderson et al. (US Patent No. 5,800,526; hereinafter “Anderson”). Claims 1-6, 13-17 and 24-29 were rejected citing 35 USC § 102(e) over Stenzel (US Patent No. 6,540,777).

Independent claims 1 and 24 have been amended to recite a peak having a single spline extending therefrom, the spline extending from a side of the peak.

Anderson discloses a multi-anchor stent 10 with cylindrical rings 13 that include peaks 16 and valleys 18. Anchors 20 are provided at the ends of the outwardly facing arches of the valleys 18. See Figure 1; column 6, lines 28-45. All of the Figures which show a valley 18 having a single anchor 20 show the anchor 20 being located at the end of the valley (i.e. the central portion of the valley).

Anderson does not disclose or suggest a single anchor 20 extending from a side of a valley, as would be required for Anderson to read upon amended claims 1 or 24. Therefore, Applicant asserts that amended claims 1 and 24 are patentable over Anderson.

Stenzel discloses a locking stent 100 with interconnected circumferential serpentine bands 106 that have alternating peaks 108 and troughs 110. Each band 106 has a plurality of pincer members 112 extending therefrom. Each pincer member 112 comprises a first arm 114 and a second arm 116. Opposite each pincer member 112, a tongue 118 extends from an adjacent band. See Figure 1; column 3, lines 27-38.

With respect to each pincer 112, a first arm 114 and a second arm 116 are always included. Stenzel does not disclose or suggest a single first arm 114 or a single second arm 116 extending from a side of a peak 108 or trough 110, as would be required for the pincer elements of Stenzel to read upon amended claims 1 or 24.

With respect to the tongues 118, all of the Figures show a tongue 118 extending from a central portion of a peak 108 or trough 110. Stenzel does not disclose or suggest a tongue 118 extending from a side of a peak 108 or trough 110, as would be required for the tongue

elements of Stenzel to read upon amended claims 1 or 24. Therefore, Applicant asserts that amended claims 1 and 24 are patentable over Stenzel.

Dependent claims 2-6 and 13-17 depend from independent claim 1. Dependent claims 25-29 depend from independent claim 24. The dependent claims are patentable over Anderson and Stenzel for at least the reasons discussed with respect to the independent claim from which they depend. Accordingly, Applicant requests withdrawal of the rejections under 35 USC § 102.

**Claim Rejections - 35 USC § 103**

Claims 7-10, 12, 18-21 and 23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Stenzel in view of WO00/30563 (Brown).

Independent claim 1 has been amended as discussed above. Claims 7-10, 12, 18-21 and 23 depend from claim 1. The amendments made are believed to render the 35 USC § 103 rejections moot. Accordingly, Applicant requests withdrawal of the rejections under 35 USC § 103.

**Conclusion**

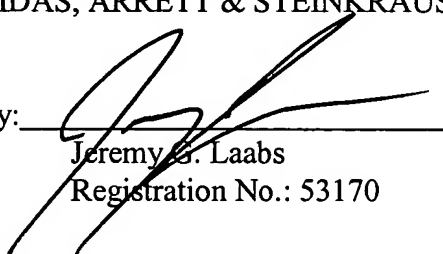
Based on at least the foregoing amendments and remarks, Applicants respectfully submit this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-29 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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